



American Mobile Telecommunications Association

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

PRESIDENT & CEO

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December 13, 1996

DOCKET FILE COPY ORIGINAL

via Hand Delivery

William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: Notice of oral and written *ex parte* presentation
800 MHz SMR Licensing
PR Docket No. 93-144

Dear Mr. Caton:

On December 12, 1996, the American Mobile Telecommunications Association, Inc. (AMTA) made an oral *ex parte* presentation on behalf of the 800 MHz consensus parties concerning the above-captioned docket to Commissioner Susan Ness and David R. Siddall, legal advisor to the Commissioner. The meeting included a discussion of issues included in the 800 MHz industry consensus proposal in this proceeding. To aid the discussion, the attached written materials were presented to Commissioner Ness and Mr. Siddall.

Pursuant to Section 1.1206 of the Commission's Rules and Regulations, an original and one copy of this Notice have been submitted, with enclosures.

Jill M. Lyon
Dir of Regulatory Relations

Enclosure

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800 MHz SMR Industry Consensus Proposal
(PR Docket No. 93-144)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Background

The Coalition, including, but not limited to, SMR WON, the American Mobile Telecommunications Association, Inc. (AMTA), the Personal Communications Industry Association (PCIA) and Nextel Communications, Inc., represents a large majority of 800 MHz SMR operators of all sizes, including local analog dispatch operators as well as wide-area licensees seeking to implement regional or nationwide digital CMRS systems. Further, the Coalition consensus position represents agreement for the first time among parties that have long had sharp differences on the issues in this proceeding. The Coalition respectfully submits that approval of its position would result in near-unanimous industry support for EA-based licensing of all 430 SMR channels in this band, as well as for auctions and the Commission's decision to permit mandatory retuning/relocation of upper-band incumbents.

1. The Coalition supports adoption of rules governing geographic-based licensing of the remaining 230 SMR channels in continuity with the Commission's decision to auction the upper 200 channels of the current 800 MHz SMR frequency band.
2. Geographic-area licensing of the lower 230 SMR channels on an EA basis must enable all incumbents, including upper-band retunees/relocatees and non-SMR operators, to continue serving the public with reasonable opportunities for expansion. Therefore, the Coalition advocates a channel-by-channel, EA-by-EA settlement process that will allow all existing licensees, whether SMR operators or private, internal-use systems, to obtain geographic licenses on current channels within a defined time frame. These full-market settlements would avoid mutually exclusive applications for these channels. Auctions would be used to assign channels on which there are no incumbents or as to which no settlement has been reached.

The proposed EA settlement process is fully consistent with the Commission's competitive bidding authority under Section 309(j) of the Communications Act. The FCC has been directed to use threshold eligibility limitations and negotiation to avoid mutually exclusive situations. The proposed settlement, then auction, process would speed transition from cumbersome site-specific licensing; it would promote rapid service to the public, and it would allow new entrants to obtain licenses on channels not already assigned to incumbents.

3. In defining "comparable facilities" for purposes of retuning/relocating upper-band incumbents, the FCC should require that a retuned system "perform tomorrow at least as well as it did yesterday." Retuning/relocation should provide the same

number of channels in the 800 MHz band, the same service configuration, and must include the entire "system", to be defined as a base station(s) located within the EA and those mobiles that regularly operate on the station(s).

4. The Coalition advocates cost sharing and cooperation among all upper-band EA licensees seeking to retune/relocate an incumbent system. Where one EA licensee is not prepared to participate at the appropriate time, others should be allowed to retune/relocate all the incumbent's channels, thus succeeding to the incumbent's rights on those channels. This device would prevent unnecessary delays in the retuning/relocation process.

5. The Coalition supports licensing of the 80 interleaved SMR Category channels in 16 five-channel blocks, as currently allocated and as proposed by the Commission. The 150 formerly General Category channels should be auctioned in three 50-channel blocks, excluding those frequencies in each block for which full market settlements have been reached. The Coalition supports creation of an entrepreneurial set-aside consisting of the 80 SMR channels and one 50-channel block; the remaining two 50-channel blocks should remain available to bidders of all sizes.

TRENT LOTT
MISSISSIPPI

MAJORITY LEADER

FINANCE

COMMERCE, SCIENCE, AND TRANSPORTATION

RULES

United States Senate

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WASHINGTON, DC 20510-2409

December 12, 1996

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P.22

245 EAST CAPITOL STREET
SUITE 225
JACKSON, MS 39201

3100 S. PASCAGOULA STREET
PASCAGOULA, MS 39567

41 GOVERNMENT PLAZA
SUITE 428
GULFPORT, MS 39501

P.O. Box 1474
OXFORD, MS 38655

200 E. WASHINGTON STREET
SUITE 145
GREENWOOD, MS 38930

Honorable Reed Hundt
Chairman
Federal Communications Commission
1919 M Street, N. W., Room 802
Washington, DC 20554

Dear Chairman Hundt:

I am taking the liberty of contacting you further on behalf of my constituents who are interested in the FCC PR Docket No. 93-144, for specialized mobile radios (SMR). As you recall, I corresponded with you earlier on this matter. However, I have recently received another inquiry regarding the situation.

I have followed with interest the Commission's proceeding in this Docket, as mandated by the Omnibus Budget Reconciliation Act of 1993, establishing new geographic area-based licensing rules for 800 MHz SMR systems. Our office has been contacted by numerous SMR providers urging the Commission to rapidly complete and end more than two years of regulatory uncertainty and resultant industry stagnation.

Throughout the proceeding, my office has encouraged SMR industry to work together to resolve difficult issues in ways that promote competition by giving all SMR licenses, both large and small, opportunities to grow and expand their businesses. The Commission has also encouraged industry participants to reach consensus on these issues. Attached is a paper with details on the 800 MHz SMR Industry Consensus proposal. Please give this Consensus Proposal every possible consideration. Finally, I would sincerely appreciate your providing me a status report.

Again, thank you very much for your time and continued assistance. With kind regards and very best wishes, I remain

Sincerely yours,

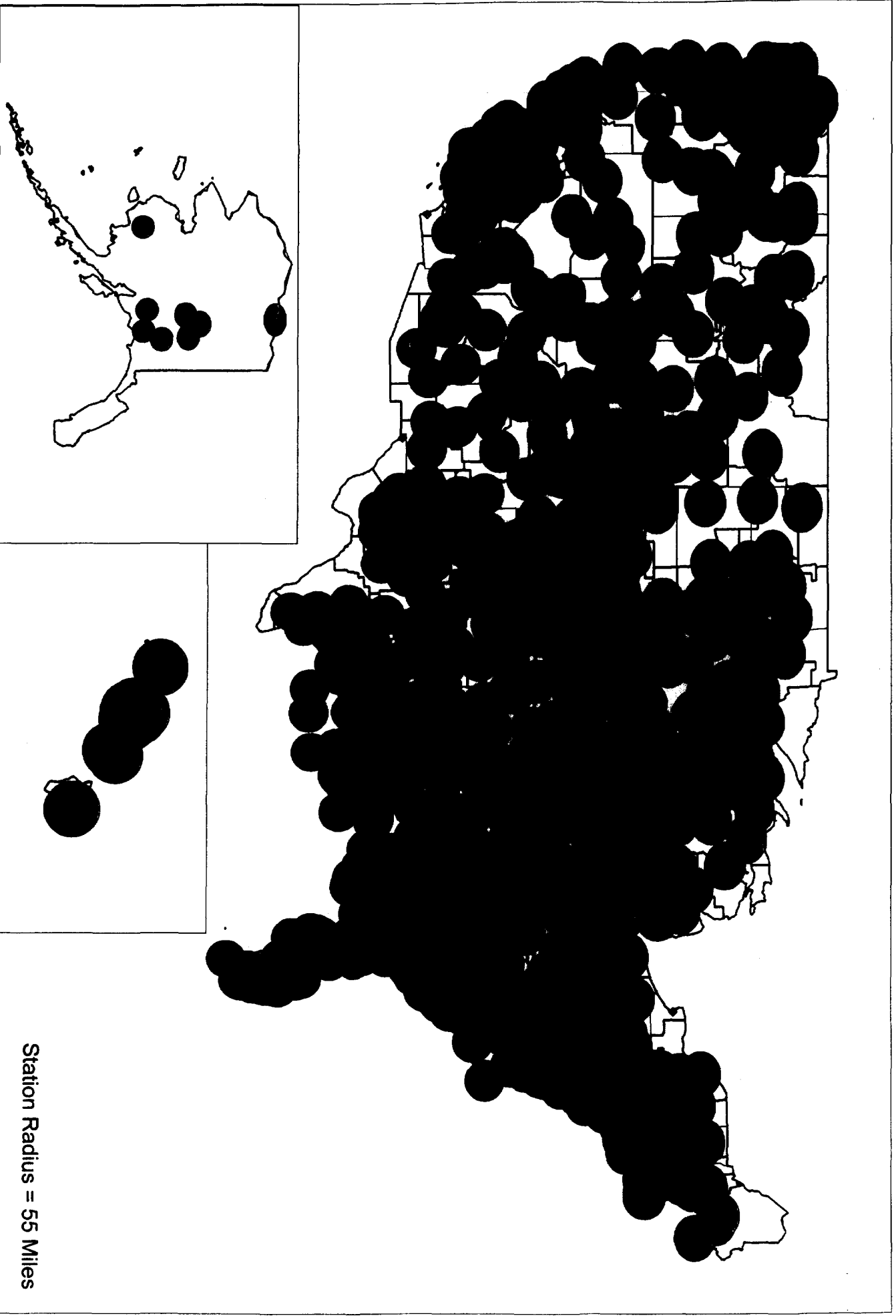
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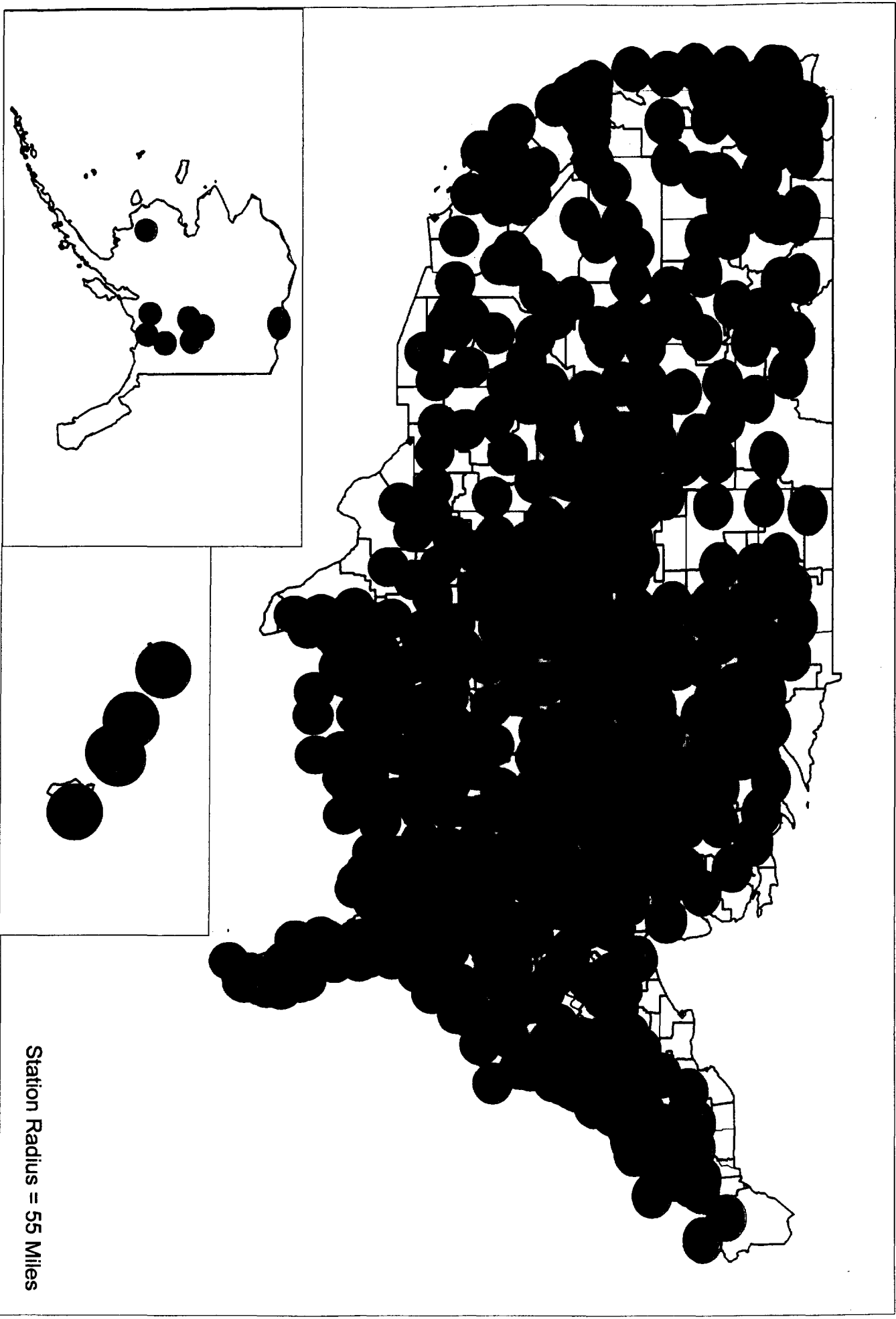
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Enclosure

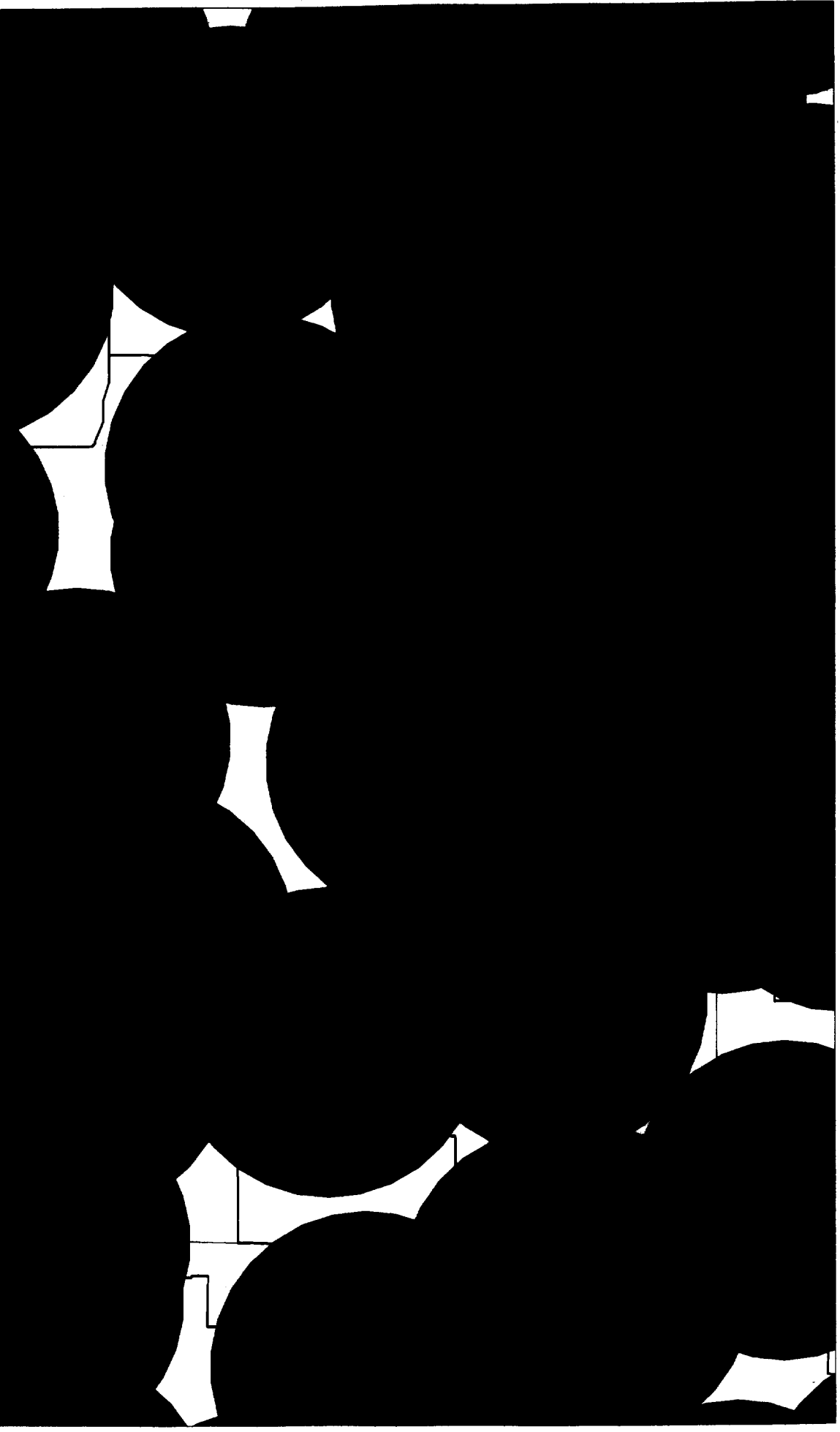
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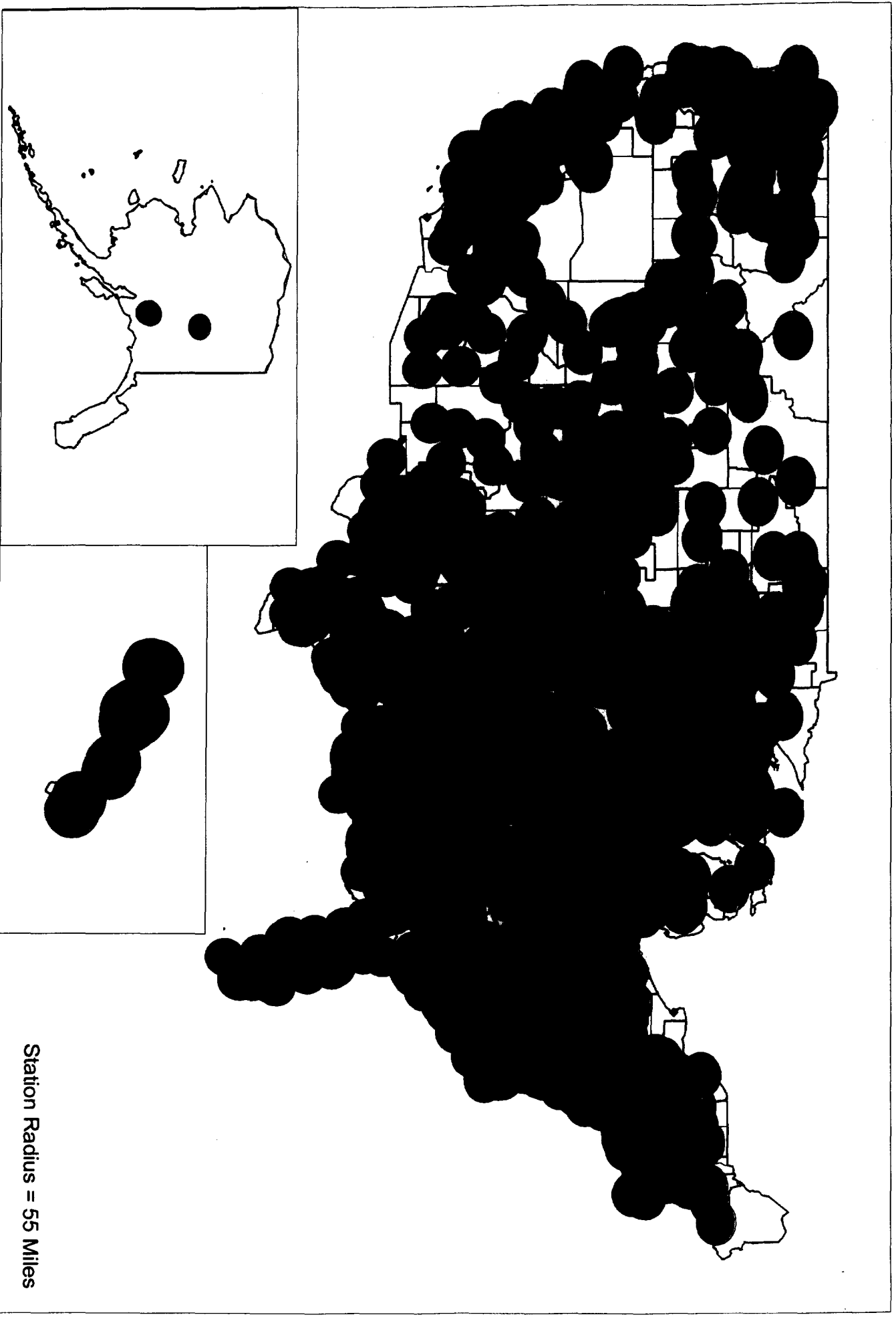
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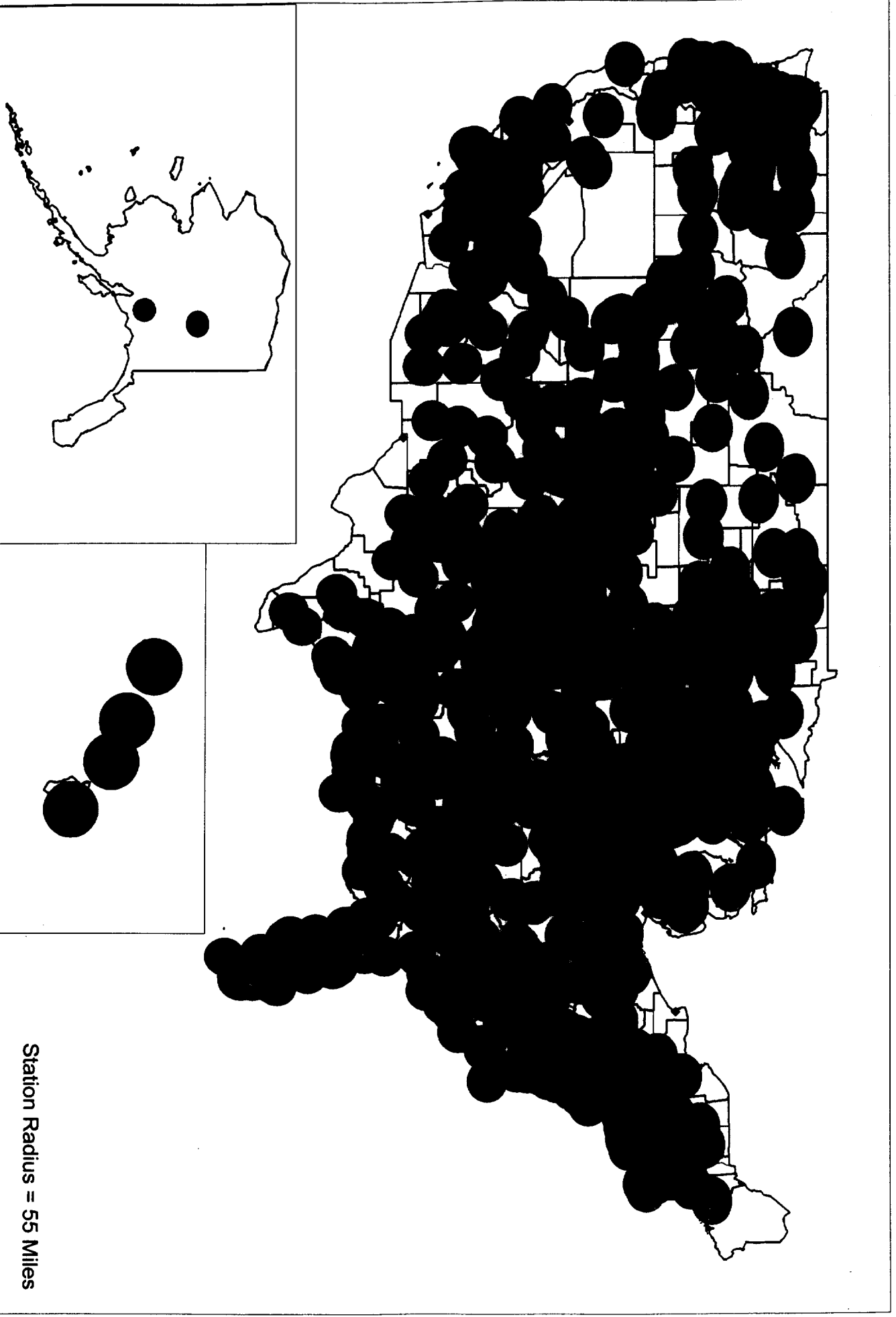
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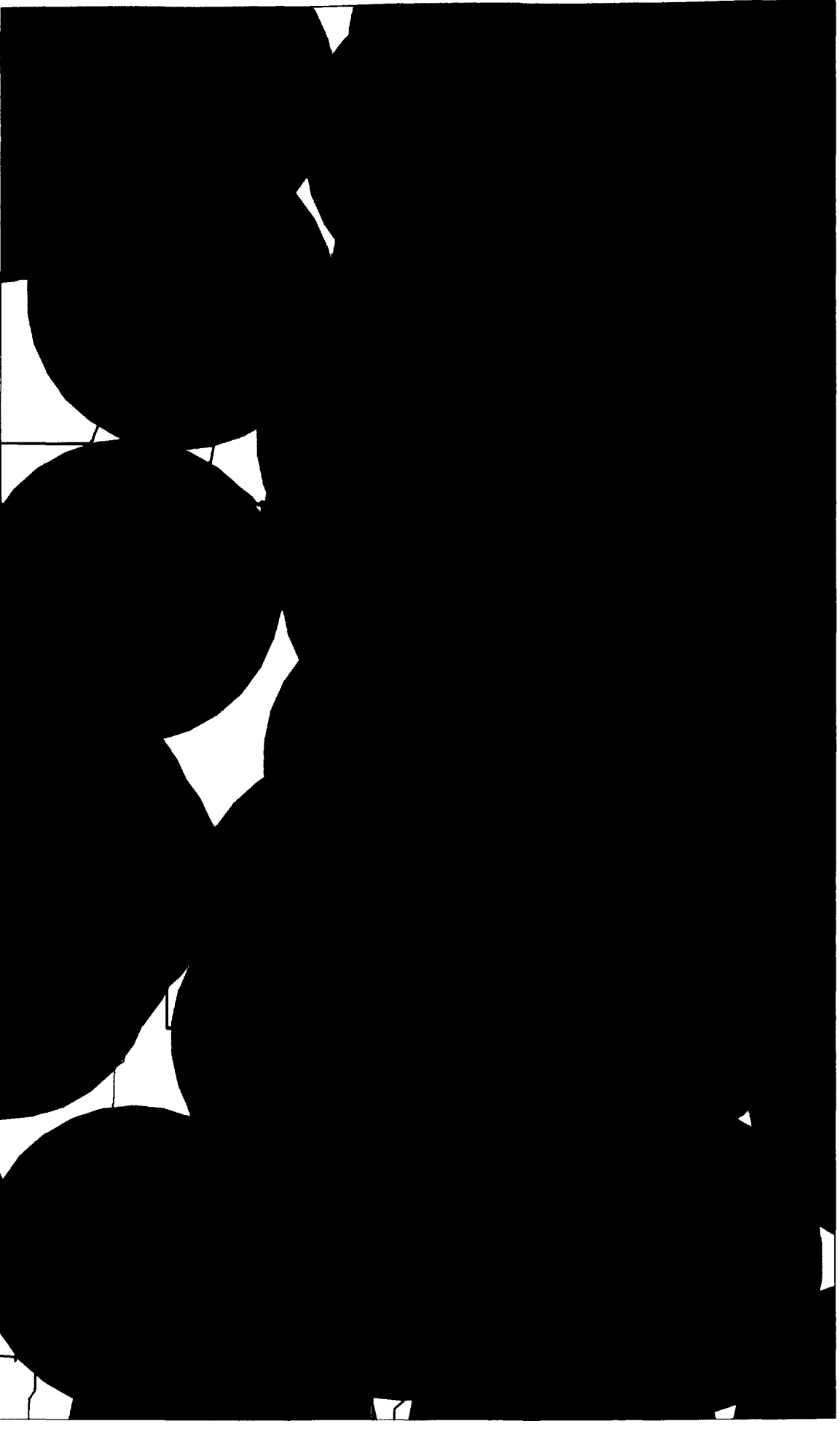
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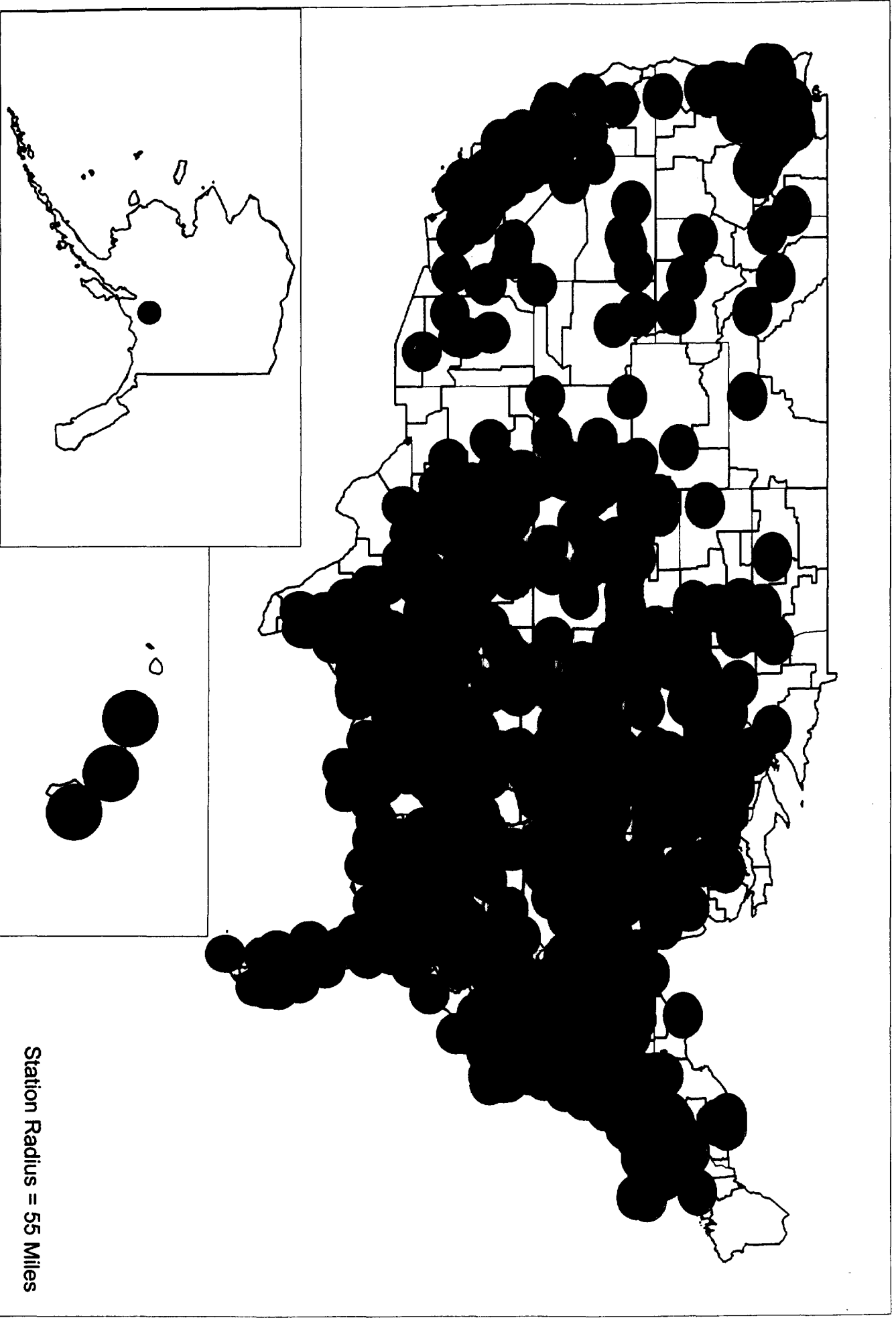
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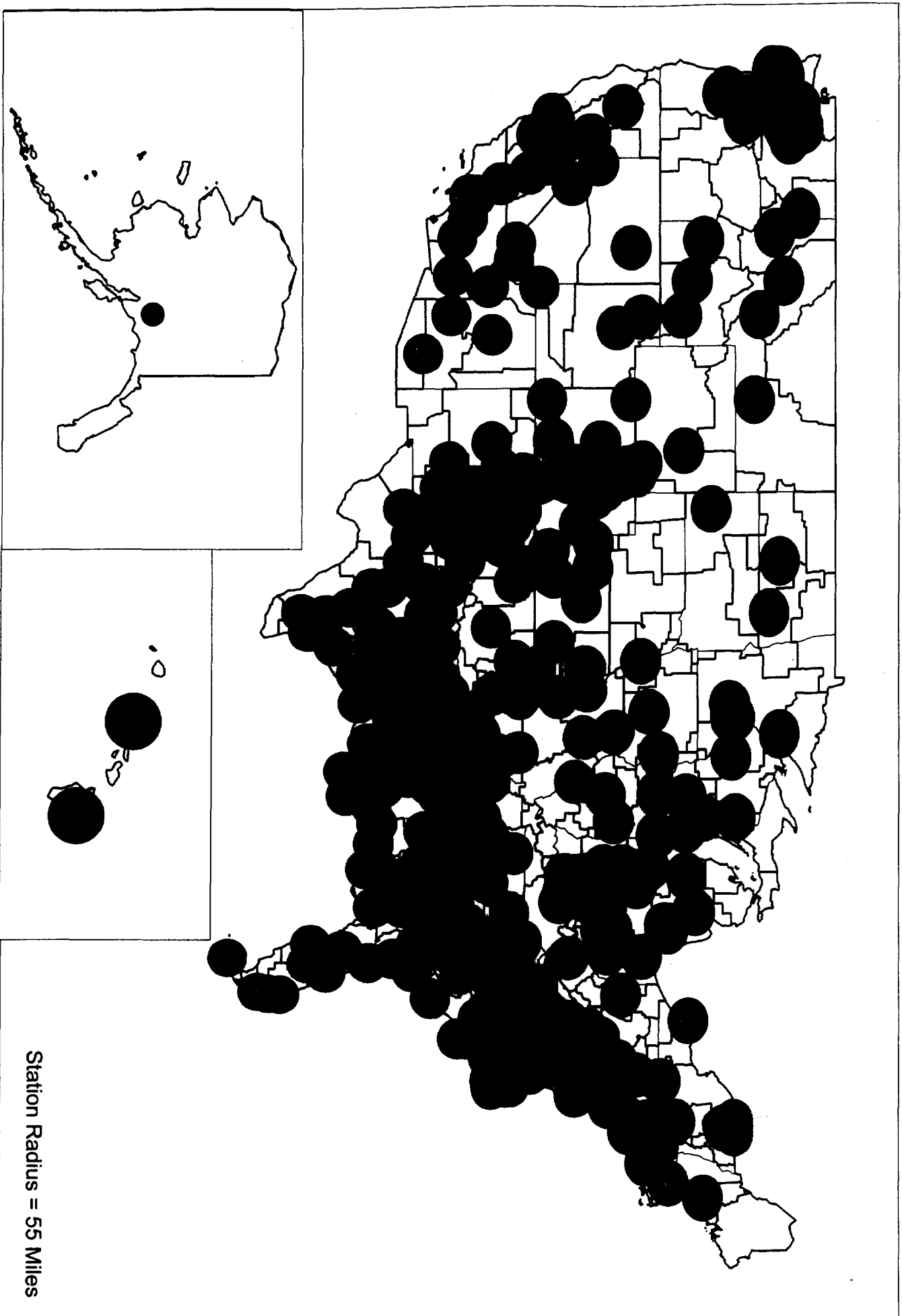
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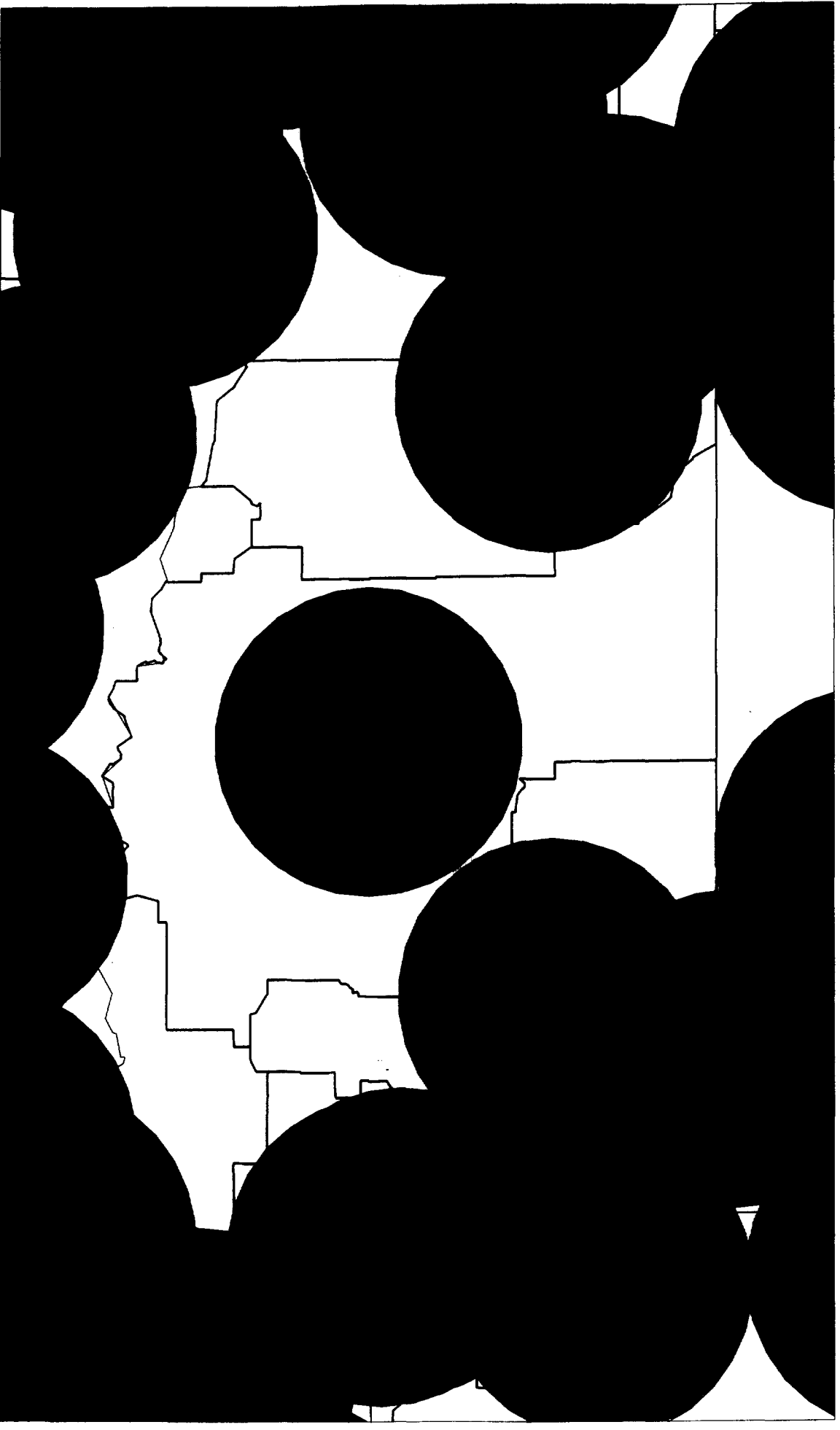
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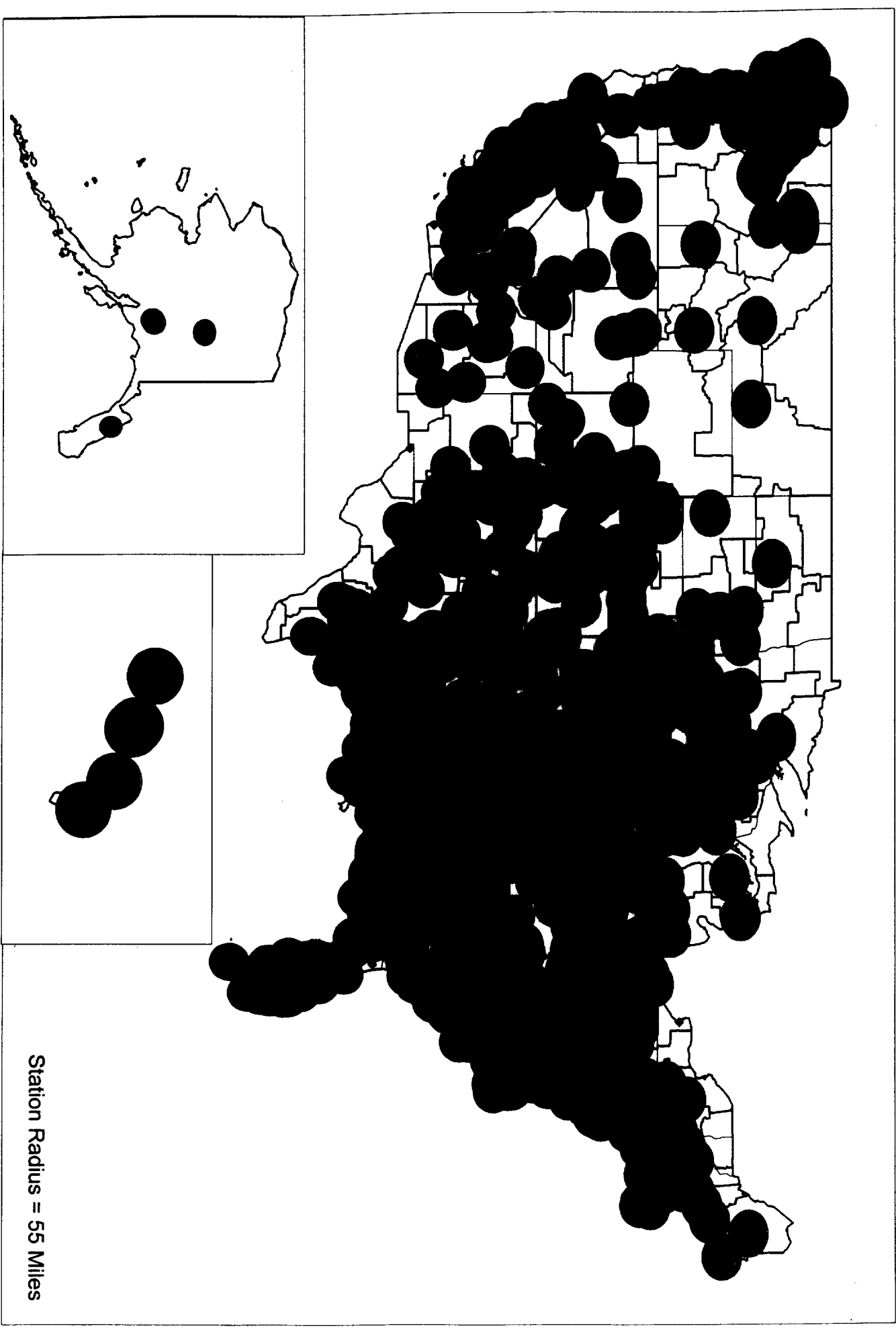
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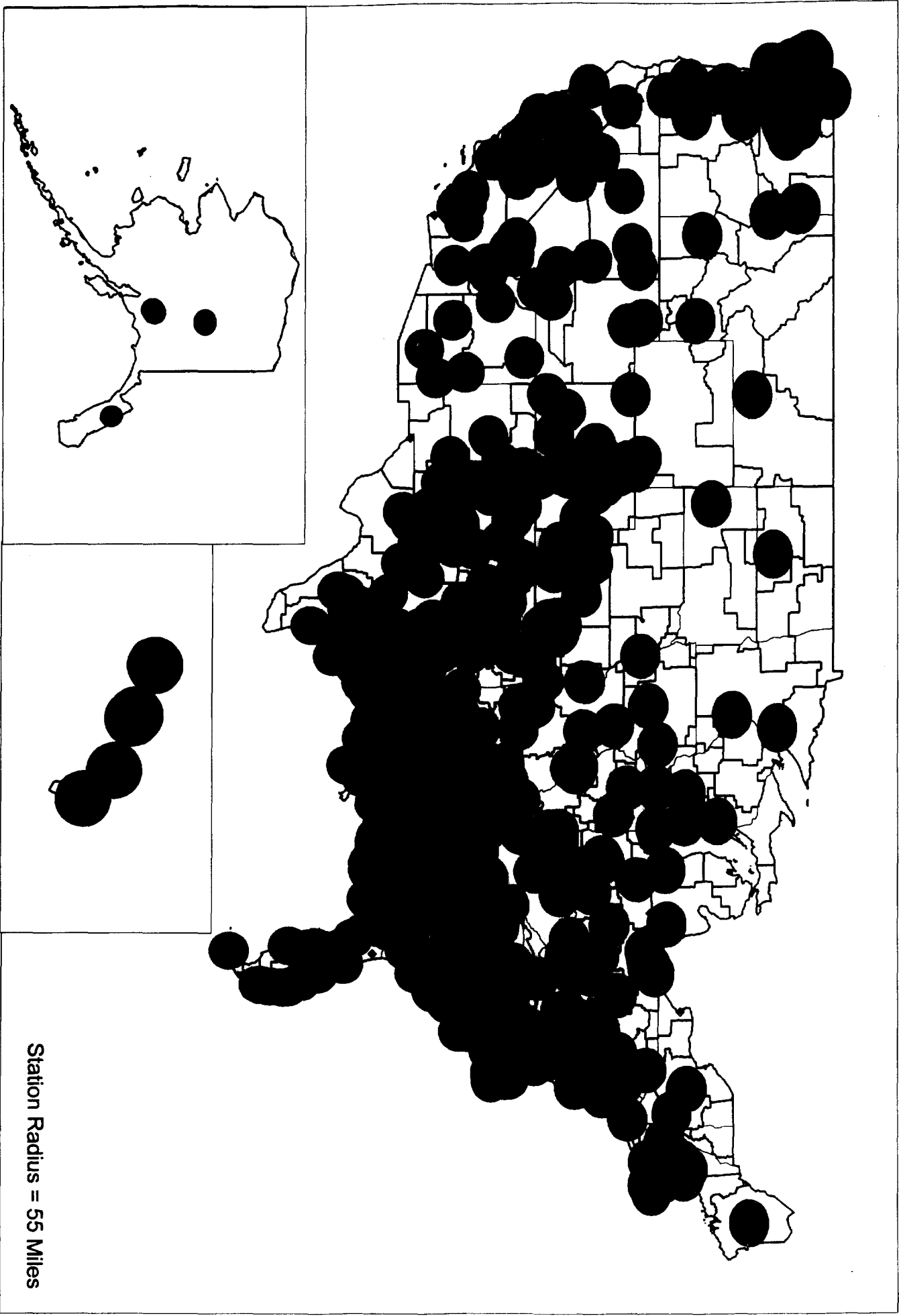
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White Space Analysis for 854.7125 (Granted and Pending)



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